

REMARKS

Summary Of The Office Action & Formalities

Status of Claims

Claims 1-10 are all the claims pending in the application. By this Amendment, Applicant is canceling claim 3 and amending claims 1, and adding new claims 11 and 12. No new matter is added.

Claim to Foreign Priority

Applicant thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received.

Information Disclosure Statement

Applicant also thanks the Examiner for initialing the references listed on form PTO/SB/08 submitted with the Information Disclosure Statement filed on May 4, 2006.

Claim Objections

Claim 6 is objected to because in line 3, the phrase “the pump” lacks antecedent basis.

Applicant is amending the claim to overcome this objection.

Art Rejections

1. Claims 1, 2 and 4-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Laauwe (US 3,990,640).

2. Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Laauwe (US 3,990,640).

Applicant respectfully traverses.

Claim Rejections - 35 U.S.C. § 102

1. Claims 1, 2 And 4-10 In View Of Laauwe (US 3,990,640).

In rejecting claims 1, 2 and 4-10 in view of Laauwe (US 3,990,640), the grounds of rejection state:

Laauwe discloses a fluid product spray head comprising all the featured elements of the instant invention, note obturator 17, sleeve 7/9 and at least one non-radial channel 31.

Office Action at page 2.

Claim 1 has been amended to include language from claim 3, thereby rendering this rejection moot.

Claim Rejections - 35 U.S.C. § 103

1. Claim 3 Over Laauwe (US 3,990,640).

In rejecting claim 3 over Laauwe (US 3,990,640), the grounds of rejection state:

Laauwe discloses all the featured elements of the instant invention, except for the at least one non-radial channel extending obliquely in the lateral wall of the sleeve. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the at least one non-radial channel extend obliquely in the lateral wall of the sleeve of Laauwe, since such a modification would facilitate (i.e. accelerate) the flow through the channels prior to entrance into the swirling chamber and would enhance the expansion and swirling within the chamber.

Office Action at pages 2-3.

As correctly noted by the Examiner, the claimed feature of an obliquely extending non-radial channel is not disclosed by Laauwe. Moreover, this feature would not have been obvious to one skilled in the art. Indeed, the disclosure in Laauwe would lead the skilled artisan away from the alleged modification.

In particular, it is not feasible to provide oblique channels in the device of Laauwe. The fluid passages in Laauwe are formed by projecting vanes 30 forming male elements cooperating with recesses 31 forming female elements of corresponding shape. These male and female elements fit one in the other with a sliding fit which is fluid-tight (*see* column 6, lines 53-63).

Thus, there are no channels in the closed position, shown in Figs. 2 and 3, and the fluid passages are created only when the closure element moves away from the opening, as shown in Fig. 4.

Claim 1 requires an oblique non-radial channel in the lateral wall of the sleeve, which is not conditioned on (i.e., independently of) the position of the closure element (obturator).

If such channels were to be provided in the device of Laauwe, there would no longer be a leak-tight fit between the male and female elements, which would go directly against the teaching of Laauwe.


For at least the foregoing reasons, claim 1 and claims dependent therefrom are allowable.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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